S.B.CIVIL WRIT PETITION NO.5644/2007

Nand Kishore Pandya & Ors.
V.
State of Rajasthan & Ors.

Date of Order :: 6th September, 2007

HON'BLE MR.JUSTICE GOVIND MATHUR

Mr. P.R.Mehta, for the petitioners.

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The only contention advanced by counsel for the petitioner to challenge the land acquisition proceedings initiated under the notification dated 18.8.2003 issued by Government of Rajasthan under Section 4(1) of the Land Acquisition Act, 1894 is that the respondents are not making payment of compensation to the petitioners by treating the land acquired as urban land. According to counsel for the petitioners the land in question is urban land, therefore, by provisional award the determination of compensation by treating the land in question as agricultural land is illegal.

Any error in determination of compensation does not make the land acquisition proceedings illegal. Be that as it may, in the instant matter it is the position accepted by the petitioners that the land in question was converted as urban land on 27.9.2003 whereas the notification under Section 4(1)

was issued by Government of Rajasthan on 18.8.2003, therefore, I am of considered opinion that no error is committed by the authority competent while determining compensation by considering the land acquired as agricultural land. No other argument is pressed in service.

The writ petition is accordingly dismissed.

(GOVIND MATHUR),J.

Kkm/ps.